

MINUTES – SEPTEMBER 17, 2012

The Caswell County Board of Commissioners met in regular session at the Historic Courthouse in Yanceyville, North Carolina at 6:30 p.m. on Tuesday, September 17, 2012. Members present: Nathaniel Hall, Chairman, Cathy W. Lucas, Vice-Chair, William E. Carter, Jeremiah Jefferies, Gordon G. Satterfield, Kenneth D. Travis and N. Kent Williamson. Also present: Kevin B. Howard, County Manager, Michael Ferrell, representing Ferrell Firm, and Angela Evans representing The Caswell Messenger. Paula P. Seamster, Clerk to the Board, recorded the minutes.

MOMENT OF SILENT PRAYER

Chairman Hall opened the meeting with a Moment of Silent Prayer.

PLEDGE OF ALLEGIANCE

Chairman Hall asked the Board of Commissioners and the citizens present to stand for the Pledge of Allegiance.

APPROVAL OF AGENDA

Chairman Hall stated “We need to make a couple changes. On Item 8 Mr. Brennan has had an accident and will not be here tonight.” Mr. Howard responded “I think Mr. Doyne can talk about that tonight.” Chairman Hall continued “Mr. Doyne is listed for Item 9 so we will just take Mr. Brennan off for Item 8.” Mr. Howard responded “Mr. Doyne can go through these items but there may be some questions that he cannot answer.” Chairman Hall stated “Okay we will just leave Item 8 and we will change Mr. Brennan to Mr. Doyne. Closed Session we had to preserve Attorney/Client privileges but we don’t have any new information on that. Our attorney is out sick tonight and he sent a partner instead who says there is really nothing new to update but we do want to add a Closed Session for personnel. You do want personnel right?” Commissioner Lucas responded “No not at this point.” Chairman Hall continued “I stand corrected. We will not have a closed session and we will leave Item 8 on the agenda. So there will be virtually no changes to the agenda other than removing the Closed Session.”

Commissioner Travis moved, seconded by Commissioner Jefferies to approve the agenda as amended. The motion carried unanimously.

APPROVAL OF CONSENT AGENDA

Commissioner Jefferies moved, seconded by Commissioner Travis to approve the Consent Agenda.

Commissioner Lucas stated “Chairman Hall, I am not sure if it is August 30th or September 4th but it is on page 29 of 70, Paula, it is the fifth paragraph where we are talking about the connector for the detention center ““On a different note, do you have a written report on the

connector? Mr. Howard responded “That will be discussed at the next meeting. Commissioner Lucas continued “What has done on thus far?”” It should read ‘What has been done thus far?’”

Chairman Hall stated “Thank you, are there are other corrections in the minutes?”

Upon a vote of the motion, the motion carried unanimously to approve as amended.

The following items were included on the Consent Agenda:

- A. Approval of Minutes of August 30, 2012 Special Meeting
- B. Approval of Minutes of September 4, 2012 Regular Meeting

PUBLIC HEARING – LANDFILL WIRELESS COMMUNICATION TOWER

Commissioner Travis moved, seconded by Commissioner Williamson that the Board enter into a public hearing to receive comments on the Landfill Wireless Communication Tower. The motion carried unanimously.

Mr. Brian Collie, County Planner, stated “Good evening Commissioners. This public hearing is required to meet our ‘Wireless Communication Facility Ordinance’ Section 1.4.2(i). This is just a requirement to that ordinance. This is for the tower that will be erected at the landfill site. There is an exemption in this ordinance for towers that are erected on public property. It states that antennas or towers located on property owned, leased or otherwise controlled by the County of Caswell shall be exempt from the requirements of this Ordinance, provided that a license or lease authorizing such antenna or tower has been approved by the governing authority after a public hearing and adjoining owners notification. A lease, I believe, has been authorized by the Board and all the adjoining property owners have been notified so this is the last part before it can be completed, the public hearing for that tower.”

Chairman Hall stated “When I read that I was a bit confused because it sounded to me like we did not need a public hearing.” Mr. Collie responded “It is exempt from all of the other terms of the ordinance...” Chairman Hall added “except for the public hearing.”

Chairman Hall stated “For the public that is here tell them briefly about the tower, where it will be located and what it is to do.” Mr. Collie responded “It is going to be a 250’ tall communication tower erected on the landfill property site that is owned by Caswell County. Beacon Towers is the company who is constructing it. They are initially going to have AT&T on this tower with 5 total spots for antennas. Five possible cell companies can be located on this tower.”

Commissioner Lucas asked “All of the property owners have been notified and there are not any issues?” Mr. Collier responded “After I sent the letters out I think two different property owners called me just to inquire further about it but other than that I have not heard much of anything.” Commissioner Lucas continued “And as far as the location of the actual tower, has it been decided that it will be located at the rear of the landfill or the front portion of the landfill?” Mr. Collie responded “Closer towards the rear of the landfill. If you are familiar with it, if you derive

into the driveway on the left side of that driveway past the building where you stop where the weigh station is just past that where you can drop off scrap metal in those bins, it will be on the back side of those bins.” Commissioner Lucas stated “I know the initial concern was that was not the best but I guess you determined it was the best location but that is not the highest point in that area.” Mr. Collie responded “From what I have been told they are going to build that area up. They will bring some dirt in and build that area up right there. They determined it was the best spot to gain access to that site.” Commissioner Lucas continued “And is Beacon the same company that has the tower on Collie Road?” Mr. Collie responded “Yes ma’am.”

Chairman Hall asked if there were any other questions from the Board or from the public. With no further questions Chairman Hall declared the public hearing closed.

PUBLIC COMMENTS

Chairman Hall opened the floor for public comments.

Chairman Hall asked if there was anyone that would like to speak during Public Comments. With no public comments Chairman Hall declared Public Comments closed.

DAN RIVER BASIN ASSOCIATION SUNLINE DRIVE PARKING AREA REQUEST

Mr. Chad Hall stated “Mr. Chairman and Commissioners thank you for seeing me again. I am Chad Hall with the Dan River Basin Association. This is somewhat of a continuation of the meeting we had on August 6th. At that point in time it came to you presenting the idea of a parking lot at the end of Sunline Drive to be placed on county owned property. This actually comes from NCDOT. We need to get a culvert installed in order to get equipment in to remove some stumps and a corridor that we have cleared for some trails in that area. The NCDOT will need to issue a driveway permit to build that culvert. In addition they do not want to see any parking around that industrial cul-de-sac so they have asked for a parking lot on site. At the August 6th meeting I presented some drawings to you of this idea. In those drawings we were not sure how many parking spaces we would need so I was asked to go to the Yanceyville Town Council seeking a determination of the number of spots. On September 4th I met with them acting as the Board of Adjustment they determined that 15 spaces would be needed. I updated the site plan to you. It shows the parking lot expansion to the southeast of the original parking lot that I had shown. I have also gone out on site and flagged that. We have identified the property line and made sure that we are staying off of that a minimum of 20 feet. We have also identified some significant trees to save and we can work around those in keeping with the drawing that has been presented to you. So tonight I am looking for permission to continue exploring this parking lot idea. We need to solicit bids since this is on county owned property, bids to construct the parking lot. When those bids come in it will give us a better idea of exactly how much funding we need to seek from sources beyond the Dan River Basin Association. Tonight I am basically looking for permission to continue forward in seeking the bids and to seek funding to get this parking lot built. At the time when the bids come in and we have a better idea of where the funding is coming from I will be coming back to you to present all of the information to you and at that point that will be the time to determine whether you will still allow the parking lot to be built. We are still in the permission phase but I wanted to give you an

update and make sure that we still had your permission to go forward to seek this additional information.”

Commissioner Satterfield asked “Mr. Hall I know we talked about it at the last meeting that you were at about the possibility of flagging that thing, going out and looking at the terrain to make sure that we were not putting it in a spot that, it is kind of right in the middle of the driveway. Did the manager or anyone had the chance to go over there to take a look at it or anything?” Mr. Howard responded “It has been flagged. I have not had a chance to go over there and look at it.” Mr. Hall added “It was flagged in the middle of last week and there was no time to get out there in the meantime. I will be happy to meet with any of you or all of you or the county manager to walk through the site plan and to show you what we are looking at. There is an existing old road bed pulling off of that to the right so we are in an area that had been disturbed. There is primarily undergrowth. There are a couple of larger trees about 8” diameter there but towards the front end there are a couple trees that are around 15 or 16” diameter that we are looking to preserve through building this parking lot. I will be happy to meet with any of you or all of you if you would like.”

Chairman Hall asked “So if I understand Mr. Hall correctly what you want the Board to say is it is okay to continue this process that you are working on towards building the parking lot?” Mr. Hall responded “Yes sir I am just looking for permission. There would still be an opportunity to finally decide if you want to allow this.”

Commissioner Carter moved, seconded by Commissioner Williamson to grant the Dan River Basin Association permission to proceed with the bids for the parking lot and the approval from this Board will come at a later date. The motion carried unanimously.

INLINE GRINDER/LIFT STATION/ CHANGE ORDER APPROVAL AND MISCELLANEOUS DETENTION CENTER ISSUES

Mr. Howard stated “He will discuss the inline grinder and the lift station.” Chairman Hall responded “Okay he will just do the first two from what the County Manager just said.”

Mr. Justin Doyne stated “I will give you a brief synopsis or history about what went on prior to me getting involved in this project. Evidently the muffin monster was omitted from the original bid documents. We met with the County Manager and the City of Yanceyville several times to discuss this issue. We determined the best way to incorporate this item into the new jail facility. We got final drawings and solicited those out to the prime contractors to bid on. We got three prices for that. HM Kern was the lowest price and Brennan Management Services is requesting permission to approve the change proposal.”

Chairman Hall asked “I will go back to the first part of your comment where you said evidently something was omitted from the bid?” Mr. Doyne responded “Correct, the original bid documents did not have the muffin monster or inline grinder when they were bid out.” Chairman Hall continued “So it was not in the original bid process?” Mr. Doyne responded “Yes sir.”

Commissioner Lucas asked "Why?" Mr. Doyne responded "I am not sure ma'am. I was not involved in any of the pre-bid or preconstruction." Commissioner Lucas continued "Do we have the written report tonight that we requested on this project? Do we have it in written form? It is not in the agenda." Mr. Howard responded "Mr. Brennan prepared that. He was supposed to present it tonight but he had an accident." Commissioner Lucas stated "Well at this point I am going to have to say well I hate to say this but I am the one who is confused because I have been asking these questions since I think 2011 about the infrastructure, about whether the Town's infrastructure would support the project. I was assured that it would from day one and then somewhere along the line that whole scenario changed. I went back and reviewed some of the minutes. I have some of the minutes that are pertinent to this information. On June 6, 2011 Ms. Geraghty with Brennan and Associates addressed the Board and I think Mr. Doyne was part of that meeting as well. I hate to go back and rehash it all but I think that it is pertinent to any decisions that we make on spending dollars tonight. Have you purchased a muffin monster?" Mr. Doyne responded "No ma'am." Commissioner Lucas continued "Okay because when I read the minutes it says that it had been procured. Maybe I am not reading this correctly but it says that 'the architect and engineer are working on several items concerning the new facility. A muffin monster and a lift station that were requested by the owner but were left out of the original bid documents so these were not procured and we have to procure these items. Chairman Hall asked What is a muffin monster? Mr. Doyne responded It is an inline grinder. The muffin monster is just the name of the product we purchased.'" Mr. Doyne responded "I did not mean, I must have misspoken, we have not purchased or procured..." Commissioner Lucas continued "It grinds up the septic waste before it gets pumped out. These were requested but they were not put in the original bids so right now I am working with the city to try to figure out what is needed or what has to be installed. There are some calculations' and it goes on to say the architect is working on the connector. 'Commissioner Satterfield asked This muffin monster and lift station, did that come out of this delay in correspondence between you and the Town? Mr. Howard responded Yes sir. In fact this spring I requested it to be included in the process and somehow the engineer did not include it in the final drawings. Commissioner Satterfield continued How did the engineer think we were going to get rid of the raw sewage without a lift station?' We did not get an answer for that. Mr. Howard didn't have one and Mr. Doyne didn't have one. We were told the existing system would work and now we are being told that we have to purchase a whole new set up." Mr. Doyne responded "Ma'am, I am sorry I wasn't privied and I wasn't at the June meeting. I came on board September of 2011 I believe." Commissioner Lucas stated "This is February 6th of 2012." Mr. Doyne responded "Yes ma'am and that is pretty much spot on with what I have been telling y'all. I am not disagreeing with that at all but we have not procured an inline grinder for the facility." Commissioner Lucas stated "I asked the question if there was a remote possibility that it could be upgraded and you were going to have a meeting tomorrow which would have been the 13th to find that answer out and I don't think we ever got a report on that meeting." Mr. Doyne asked "With the city you are referring to?" Commissioner Lucas responded "Right." Mr. Doyne responded "We met with them and we all discussed it and thought that the most economical way to do it would be to put in a stand-alone lift stand in lieu of up fitting their lift station and replacing all the components there and plus it is a much longer run for a force main in order to tie into that system so we all thought that this would be the best way to approach this problem."

Chairman Hall asked "When you met you said you thought it would be better economically?" Mr. Doyne responded "Yes sir." Chairman Hall continued "It would cost less to put in a new lift station as opposed to trying to up fit the one that is there?" Mr. Doyne responded "Yes sir." Chairman Hall stated "Okay."

Commissioner Lucas stated "On March 5th which was obviously after the meeting with the Town you were asked about the lift station, where are we with the process and you responded 'Late last week I actually got a calculation of the existing flow coming from the old jail, that is going to go off line, to sort of compare it to what the new jail is going to add. We will take the old jail number out of the new jail which will be gallons per minute of water flow that goes to that.' You were going to submit new information and get back with the Town. You responded 'Meeting with the Town I think an updated system would satisfy their needs and it would be the most cost effective way to go.'" Mr. Doyne asked "You mean update the old lift station?" Commissioner Lucas responded "Yes." Mr. Doyne continued "Yes ma'am and then we ran calculations on that and you essentially were providing a new lift station for the Town instead..." Commissioner Lucas stated "You said 'It is just the pumps and the force main that has to be upgraded. The force main is a 2" force main and they are requesting a 4" force main.' The only thing left would essentially be the well and they would need to upgrade the mechanical parts of it." Mr. Doyne responded "Yes so it is essentially a new lift station. Those are all the components in a lift station." Commissioner Lucas continued "But that is the problem, we don't have a comparison of the numbers which we asked for as far as what it would cost to upgrade opposed to a new lift station." Mr. Doyne responded "I guess I can go back to the engineers and get them to come up with a drawing and we can get bids on upgrading the old lift station." Commissioner Lucas asked "So you are saying now that the current lift station will not handle the facility because you were asked twice prior to it even starting if the infrastructure would handle it and now we are being asked to expend how much?" Mr. Doyne responded "\$109,066."

Commissioner Carter asked "Mr. Doyne I know that I was probably one of the main ones who talked about the muffin monster when you started talking about the lift station. I know it has been a problem with the jail for years but this \$109,000 is that just for that muffin monster or does it include putting that lift station in?" Mr. Doyne responded "It is both items, sir." Commissioner Carter continued "Both the lift station and the muffin monster. How much is the muffin monster just by itself?" Mr. Doyne responded "I would have to look, don't quote me but I think it was around \$40,000." Commissioner Carter asked "Referring to the lift station that Ms. Lucas was talking about it is my understanding that the pumps would handle the increase but the wet wells needed to be increased and the force main increased." Mr. Howard responded "When we met with the Town's engineer we were told it would not handle it. He said would do 70 gallons per minute and that we needed well over 100 gallons per minute. We asked for a clarification. We met with them and we asked what about a pump station just for the jail. They did not have a problem with that and they thought it was the best choice for the jail as far as the run being shorter for the force main. There are a lot of fiber optic lines running down North Avenue, the entire road the cost of that alone would be very costly." Commissioner Carter continued "That is what I am getting at, the cost of upgrading versus putting a new one in. The only other question I have and I think I will ask the County Manager you said it does include the muffin monster. Does it include the emergency generator?" Mr. Howard responded "It will run off the generator, yes."

Commissioner Lucas asked "Mr. Manager what does our contract say about the responsibility of those oversights in this process because how can something as important as this be overlooked when the question was repeated asked does the infrastructure support the project? I just don't understand that and do we have any recourse? Do we have any recourse with the contractor?"

Mr. Ferrell responded "You may with a close examination of the contract and getting the engineers involved. What you have done is to expose two issues: 1) the ultimate issue is what does the project need to continue whether it is a or b and 2) is who is responsible and that can be resolved later. Once you all decide which is the better way to proceed, the project does not have to stop. You can proceed with the project without making a decision tonight. Without doing some research I don't know if the engineer or the architect or both made a mistake."

Commissioner Lucas stated "I think that is what happened in my opinion but that is my opinion." Mr. Ferrell continued "The first issue is this you have a recommendation on how to proceed with the project; you have to make a decision. It has to be done. The question is how do you get rid of it. Do you want the grinder and the lift station to service only the jail or the second option was to upgrade the current lift station. Then comes the question what is best for the project and what is the most economical for the project. What I have heard is the most economical decision was to install a new grinder and lift station to service the new facility. I don't have any way of knowing that is a fact." Commissioner Lucas stated "I appreciate that but Chairman Hall if I may but you understand the difficulty for a commissioner to make that decision as well without having the facts and having the numbers." Mr. Ferrell responded "You have consultants who have given you their recommendation." Commissioner Lucas continued "That have been very ambiguous to date."

Commissioner Lucas asked "You are telling us that the Town's engineer and the engineer for Brennan have agreed that this is the best route to go in a meeting?" Mr. Doyne responded "Yes ma'am." Commissioner Lucas continued "Because what I read was Brennan at that meeting proposed a new lift station. I did not read anything about the Town proposed that. It was Brennan who proposed the new lift station and what you are saying is it was a consensus with the Town and Brennan." Mr. Howard responded "We asked the question if a new lift station was the best thing for the jail and we were told yes. At that meeting it was a consensus that it was the most economical option." Commissioner Lucas asked "Did you see the numbers? Did you see the numbers that showed what was going to be the most economical?" Mr. Howard responded "I went off the opinion of the two engineers."

Mr. Ferrell stated "Here is the question, what is the critical path for this project? This could be a very critical path in the timing of the project but you can ask for a comparison of the cost of the two options." Commissioner Lucas responded "That is what we want." Mr. Ferrell continued "If it is on a critical path and if it does impact the timing of the project you could get a recommendation of the consultant. I don't know if this part of the project is on a critical path or not."

Commissioner Satterfield asked "Mr. Manager let me ask one question so I can clear it up in my mind. Brennan Management Service these are the people that we hired with an additional cost to look after the project on our behalf, is that correct?" Mr. Howard responded "Yes sir." Commissioner Satterfield continued "And that is you?" Mr. Doyne responded "Yes sir."

Commissioner Satterfield asked "So tell me this it says did not include the inline grinder in the original bid documents and evidently on the original bid documents Brennan Management Service did that so who was your predecessor?" Mr. Doyne responded "And I am sorry about that sir I put Brennan Management and it is really Brennan Architectural and that is my fault." Commissioner Satterfield continued "When did Brennan Architectural put out the original bid documents? Do you have any idea?" Mr. Howard responded "It was around April or May the best I can remember." Commissioner Satterfield stated "It was April or May of 2011, a year and a half ago. A year and a half has passed and you are looking out for our interest and now we find out a year and a half later and we are paying you to look after our interest that we don't have the right things?" Mr. Doyne responded "Yes sir." Commissioner Satterfield continued "Just like this connector that we are going to talk about in a minute. You were looking after our interest there too I suppose. I don't think anybody has been looking after our interest, sir, too good. I will be frank with you. If we had somebody really looking after our interest we would not be talking about this tonight. We are talking about 18 months have gone by and you did not know and you did not know that nobody put this critical information in the bid document. Somebody should have reviewed these bids, somebody who know what they are doing. We thought it was going to be Brennan Management Service when we hired y'all. That is the reason you were hired." Mr. Doyne responded "Yes sir." Commissioner Satterfield asked "Why won't they check to make sure everything was in the bid documents? Who made that mistake?" Mr. Doyne responded "I am not sure who made that mistake before it went to bid sir. I have been working on this roughly the whole project." Commissioner Satterfield continued "Well you must not have read the bid document then." Mr. Howard responded "Mr. Brennan will need to answer that question. Mr. Doyne started the project in August." Commissioner Satterfield asked "Is that when we started paying Brennan Management Service in August?" Mr. Howard responded "We paid them for some pre-bids and some other stuff." Commissioner Satterfield continued "So we starting paying them in April or May?" Mr. Howard responded "I think it was in May I will have to go back and look." Commissioner Satterfield asked "Who was looking after our interest prior to this gentleman coming on board?" Mr. Howard responded "Brennan Architectural." Commissioner Satterfield continued "They had someone on site every day?" Mr. Howard responded "The project had not started yet. I am talking about pre-bids." Commissioner Satterfield asked "The pre-bid was when this original document would have originally been bid on?" Mr. Howard responded "Correct."

Commissioner Travis asked "What happens to this project if we don't go forward with this right now?" Mr. Doyne responded "You could potentially delay the finish. Right now it is about 3 months before we complete the project. The lead time on these items is probably about 6 weeks and probably 6 weeks to install." Commissioner Travis continued "They can keep on working if we don't do anything on this right now? Mr. Doyne responded "Yes sir." Commissioner Travis asked "It is not going to stop the show?" Mr. Doyne responded "No sir." Mr. Howard added "We cannot hook up the system until this is installed?" Commissioner Travis responded "I know that but it will give us time to find out the answers that we need to know before we spend this kind of money."

Chairman Hall stated "I think the term that our general counsel used was critical path that we are in this critical path. Is it critical this week, I guess, is the question? My first reaction when I heard that Mr. Brennan was not going to be here was to take this off because I recognized that

Mr. Brennan was the only one involved from day one and these hard questions I wanted the answers to come directly from Mr. Brennan.”

Mr. Ferrell stated “What I heard was the project is about 3 months out and that it will take 3 months to do this.” Mr. Doyne responded “Probably two.” Mr. Ferrell continued “The decision needs to be done soon. It will not stop the other stuff but it will stop the certificate of occupancy.” Mr. Doyne responded “Correct.”

Commissioner Lucas stated “Chairman Hall I think at this point in time I would and I am not sure how the other commissioners feel about it but I really like to see a report from the Town’s engineer concerning this project and what the Town deems as necessary for the project.”

Commissioner Carter asked “I was going to say I would like to see a report from the Town’s engineer and from our engineer too.” Mr. Howard responded “I will get with Town on this. They may very well charge a fee for the report because before they requested \$1000 for a report.” Chairman Hall stated “Let me suggest something here. We need to get our engineer, the Town’s engineer and this Board in the same room, ask these questions and resolve this. It would be good when we get everybody together in the same room if we have some written reports, something that we could chew on. I would like to have them. I think know to move forward on this critical path we all need to get together in one room. We need to hear what has been said and make a decision. That would be my suggestion. We could do it tomorrow. We could do it the next day, Saturday or whenever we have to but we need to get together.”

Commissioner Lucas moved, seconded by Commissioner Travis to table this until we can establish a meeting with the Town’s engineer, Brennan’s engineer and this Board to resolve whose responsibility this is and how to proceed forward.

Commission Satterfield asked “Would you include Item 9 also into that motion Commissioner?” Commissioner Lucas responded “I can.” Commissioner Satterfield continued “I think it is the same thing.” Commissioner Lucas responded “I will amend the motion to include Item 9. Mr. Howard responded “Item 9 is not critical. If you take a month to have this meeting on the lift station and it takes two months to put it in or longer we will put ourselves past our construction end date. We brought a recommendation from the consultant a month from now will be too late.” Chairman Hall stated “Well I think in my comments that was the suggestion that we do it right away and to get everybody together so we don’t have to have but one meeting. It is important that we meet at least for me.”

Mr. Ferrell asked “Would the Board consider appointing a committee? The reason I am saying that is you have several people here and you have an engineer and you have an architect that you are trying to coordinate to schedule a meeting. Maybe it would be easier to schedule a meeting with a smaller group and that group could come back to the board. Of course any member of this Board could come to the meeting but in terms of scheduling a meeting.” Chairman Hall stated “We can address that after voting on the motion.”

Upon a vote of the motion, the motion carried unanimously.

Chairman Hall stated "So we have agreed to have a meeting with the Town engineer, our engineer and this Board to discuss these issues on Item 8 and 9. What general counsel has suggested is do we want to have a committee to represent this Board to expedite scheduling or do we want to schedule it as a full Board?"

Commissioner Williamson stated "Due to my scheduling I would accept comments from members of the Board to make a decision especially with Commissioner Carter being experienced in this area I would accept his comments on this." Chairman Hall asked "So are you suggesting a committee or a full board meeting?" Commissioner Williamson responded "Committee." Chairman Hall stated "We have one committee suggestion."

Commissioner Lucas stated "Chairman Hall I am going to have to say this but I am really taken back by the fact that the responsibility is being put back on this Board of Commissioners when I know for a fact that the Town of Yanceyville threatened to shut this project down because they could not get a response on this project and now we are being told that we are under some kind of time constraint and that it is a critical path and I understand your point there but I sort of take issue with the fact that it is put back on the Board as far as our responsibility when in fact it definitely should not be. The questions were asked early on and evidently we just did not get the correct answers. I just take issue with that."

Commissioner Carter stated "Chairman Hall we voted on 8 and 9 but on number 9 it does not require the Town engineer to be there on the connector to the courthouse." Chairman Hall responded "Right but our people will need to be involved. Good point."

Chairman Hall stated "We have had one commissioner to say that he would accept a committee. Is there any other thoughts?"

Commissioner Carter stated "I would agree to a committee and say that any other commissioners could be there."

Chairman Hall asked "A committee, general counsel, would be how many people, 3?" Mr. Ferrell responded "The Board can determine the amount for the committee and any commissioner can attend."

Commissioner Lucas stated "I would definitely want the full board to participate in the meeting." Chairman Hall stated "What I am hearing then is at least from one commissioner is depending on the time of scheduling he probably would not be able to attend. We can schedule this. We can do whatever is the will of this Board. We know about one commissioner but we don't know if the other commissioners will be able to attend." Commissioner Carter stated "I think an evening would allow more commissioners to meet, anytime after 5:00. Can you attend if it is after 5:00?" Commissioner Williamson responded "I can but I would not want to hold up the Board if they need to meet in order to go ahead and get this out of the way."

Commissioner Satterfield asked "Mr. Chairman if we have this meeting with Brennan and the other people and a decision needs to be made that night a decision can't be made by a committee. A decision has to be made by the majority of the Board. If you have a committee meeting and

then that committee comes back to report to the Board that lengthens the time period.” Mr. Ferrell responded “I was just making a suggestion so a meeting could be held before the next regular meeting.” Chairman Hall stated “I understand and I think we have received good comments on both sides.”

Mr. Rick McVey asked “Can I make a comment Mr. Chairman?” Chairman Hall responded “Yes sir.” Mr. McVey continued “Being a taxpayer in this county I would kind of like to see all the commissioners at this meeting. We are spending our tax money, the residents of this county, on this conglomerate here, this fiasco, and I would kind of like to see all of my commissioners to be at that meeting to make a decision on what to do for the county. You are here to represent the residents of this county and that is what the commissioners are getting paid for. You all draw a salary out of the tax money and I would like to see all the commissioners present.” Chairman Hall stated “Thank you sir. The whole idea was to expedite the scheduling because with seven commissioners we have seven different schedules but we have considered all of that. We voted for a meeting. I will ask the County Manager to get with the architects and engineers involved and get us a date as soon as possible preferably in the evening so that we can sit down and answer these questions. As soon as we get those dates if you will pass that information on to the clerk, she will notify all of us by email or telephone. Expect this to happen within the next 4 or 5 days.”

Commissioner Carter asked “I would also like to include the Town Manager along with the town engineer.” Mr. Howard responded “I plan to do that.” Chairman Hall stated “That is fine. That is good. We need all the players so we can move forward quickly.”

CONNECTOR BETWEEN DETENTION CENTER AND COURTHOUSE

Mr. Justin Doyme stated “We did preliminary budgeting, just budget estimates on the three separate proposals. We have some rough drawings that I issued out to you. My question to you is and I am here to represent the architect I guess is do you find any major issues with those three drawings or is there a proposal that you would prefer more?”

Chairman Hall stated “Well let me respond quickly because I communicated this to the county manager I can’t read architectural drawings. I need to see a picture. Show me a picture with building A, a connector, and then building B and then we will assume and that may not be a valid thing to do but the professionals behind the scene can make the architectural things work. I need to have a visual of what it is going to look like.”

Commissioner Satterfield asked “Can anyone tell me what we have spent on the connector to date?” Mr. Howard responded “Nothing.” Commissioner Satterfield continued “It has not cost anything to put all those bricks up back there?” Mr. Howard responded “You are talking about with the tower. The tower serves two purposes. One was for the connector and the other was to provide access to the roof.” Commissioner Satterfield asked “Is there anybody who can tell me how much?” Mr. Howard responded “I can have that broken out.” Commissioner Satterfield continued “Surely we would not have built anything like that just for a roof access. The one in Pamlico was not like that and they have a roof on their building just like ours. Can anyone tell me the first time anybody regarding the courts was asked or told where this connector was going

to come into the building? Does anyone know when that date was?" Mr. Howard responded "I can get that for you. It was discussed in both of those meetings that you have received on courthouse security." Commissioner Satterfield stated "Those meeting just took place in the last few months though." Mr. Howard responded "The Sheriff's Association meeting was in February or March." Commissioner Satterfield continued "And when did we first decide to do the connector?" Mr. Howard responded "It was about the same time. I will get you a timeline." Commissioner Satterfield asked "We did not vote to do the connector back in 2011?" Mr. Howard responded "No, the connector was talked about but there was really no set place to go into the building when this project started." Commissioner Satterfield continued "It had to be some kind of discussion and motion and so forth to set aside the money to do the connector." Mr. Howard responded "You set aside an allowance of \$400,000." Commissioner Satterfield asked "When did we do that?" Mr. Howard responded "When you approved the bids for financing." Commissioner Satterfield continued "Do you have any idea when that day was?" Mr. Howard responded "July or August of 2011." Commissioner Satterfield stated "I would like to see some information as to when these meetings took place and who talked to who and why. I have so many different things of why it can't be done now, because it is coming in at the wrong place and one thing was said was it was coming in where a support beam is at, a vertical support beam. I don't know what the story is on this thing." Mr. Howard responded "I will spell it out for you at that meeting." Commissioner Satterfield continued "I would appreciate that if someone would give me a straight story and to this Board as to what happened."

Commissioner Lucas stated "Chairman Hall and Commissioner Satterfield in a review of the minutes February 7th of 2011 Rebecca Geraghty with Brennan and Associations came before the Board of Commissioners. Commissioner Carter stated you talked about having a bridge going from the jail to the courtroom. She responded there is an allowance in the budget for putting the bridge in. This will have to be done later so they can determine where the courtroom will be in conjunction with the new jail. They have identified a set of windows that they can bring inmates in between the jury box and the gallery. Structurally this will take a little more time. Then there was a meeting on February 10th of 2011 to discuss construction management with Brennan. On June 6th of 2011 Ms. Geraghty with Brennan came back for a meeting with reevaluating a portion of the allowances we had in for the walkway from the jail to the courthouse. We reevaluated our estimate because we included a couple of other things that did not need to be included in there and we were able to bring that price down. I can run down through the bid packages if you want them. Is that what you would like for me to do? You have the information in front of you and I am not sure what you want me to do. Chairman Hall stated I don't know if you need to read all of them. Let me see if we have any questions before we move forward. The concern was that that information was laid in front of us that night. It was not in our agenda package. I raised the question I am just concerned about the one that was laying here tonight. This is the update on just the electrical, is that what you just said? Ms. Geraghty responded No, that is the update for the whole thing. So we did not have it in our agenda packages. It was just lying in front of us. Commissioner Lucas continued So we can disregard what is in our agenda package and we are dealing with just what we received when we got here tonight? Ms. Geraghty asked May I see what you have? Commissioner Lucas responded Yes. This is what was laying in front us when we got here tonight. So disregard what is in the agenda? And she said yes. Then the question was asked Why did you state that this bid was lower than the one we already had. We talked about the bids. Because when we did the building, the original building, we had a staircase that

went from the first floor to the second floor. Where we placed the building and where the finished elevation of the courthouse is in order to make the ramp fit we actually had to go another flight of stairs up and build a penthouse that allows them onto the roof from one section and allows you to enter into a walkway and that is the portion of the allowance. We looked at the estimate that we included. The estimates for our project that everybody bided on included the staircase to the roof and the penthouse. That is included in your bid but we had also included it in the allowance to walk over. So it is already in the bids. It should have come out of the allowances. That is why that was brought down. So it was a double charge? She responded In the allowances, yes. That is something when we reevaluated the plans we found that this was included in the allowances. September 6th of 2011 it goes on and was talking about how much we were paying the construction manager between twelve and thirteen thousand a month. Then on February 6th of 2012 it continues that they are working, that the engineer and architects are working on several items for the facility, the connector specifically. That pretty much covers it through February 6th of 2012 as far as the connector is concerned. The rest of the minutes I have are referring to the lift station and grinder so up through September 6th of 2011 it was discussed that entire period of time.”

Commissioner Lucas asked “Do we have to have a connector? Is there a reason that we have to have a connector? I mean what was the basis for the connector?” Mr. Howard responded “The basis was to create a secure walkway from the jail into the courthouse.” Commissioner Lucas continued “Okay what are we doing currently? They walk from the jail to the courthouse is that not correct?” Mr. Howard responded “Yes ma’am.”

Commissioner Satterfield stated “Commissioner Lucas as I remember it, it was a concern not only for the person that was incarcerated, guilty or not guilty at that time because it had not been tried yet in some cases, and also for the safety of the public for trying to get that person from the jail and not to expose that person to the public and not expose the public to that person. I think there have been some incidents before with people being brought; I know it has, from the jail and around to get to the courthouse. I know one got away from them right there and ran up town and they finally caught him up town somewhere. That was the reasoning behind it, for security reasons.”

Mr. Howard stated “You have 3 options for the connector to lead into the courthouse.”

Chairman Hall stated “I am sure that when we have this meeting we are going to ask some of these same questions again and we are going to get professional opinions based upon the architects of the building and the engineer. We will get opinions based on court staff at some point based upon security and all of that. Again, we need to get all of these questions answered and put this to rest in one meeting.” Mr. Howard asked “So you will address this at the same with meeting as the other items?” Chairman Hall responded “Yes. We don’t need to have a lot of meetings. We need to have one meeting to handle this and again as soon as possible.”

Commissioner Lucas asked “Have we hired the security officers for the courtroom?” Mr. Howard responded “During the budget process one position was free to hire and the other position was frozen until the Board received information back.” Commissioner Lucas continued

“Do you know why?” Mr. Howard responded “It was frozen until you heard both reports from the Rural Courts Commission and the North Carolina Sheriff’s Association.”

APPOINTMENTS TO BOARD AND COMMISSIONS

ABC Board

Commissioner Jefferies moved, seconded by Commissioner Carter to re-appoint Graham Dailey to the ABC Board. The motion carried by a vote of six to one with Commissioner Travis voting no.

APPROVAL OF eCIVIS MASTER SUBSCRIPTION AND SERVICE AGREEMENT

Mr. Howard stated “During the budget process you approve funding for this. In the packet there is an agreement for your approval. Brian has reviewed and approved this contract.”

Commissioner Lucas asked “What specifically is this for?” Mr. Howard responded “It pays for access to a website to find grants. They offer grants nationally, federal and local. You can find them on their website. You go into the site and put in the criteria that you are looking for and it will search those grants out for you. The will match you up with the grants that match your needs or that you are looking for.” Commissioner Lucas continued “So it is specifically for grants?” Mr. Howard responded “Yes ma’am.” Commissioner Lucas asked “How have we benefited from it in the past?” Mr. Howard responded “We have not used this before. This is brand new.” Commissioner Lucas continued “I thought it said the contract last year.” Mr. Howard responded “No ma’am we have never used them before.” Commissioner Lucas asked “They are asking for a three year term?” Mr. Howard responded “No ma’am we have never used them before.” Commissioner Lucas continued “It said in here somewhere that it will conclude in 2015. Is says 13, 14 and 15. Is that not right?” Mr. Howard responded “It is a 3 year contract. They are offering us a reduced amount to use them for three years.” Commissioner Lucas stated “It says it was last updated January 1, 2012.” Mr. Howard responded “They may have made an error in the contract. We have never used them before. What page is that on?” Commissioner Lucas responded “51 of 70.”

Commissioner Lucas asked “You are saying we already approved this in the budget?” Mr. Howard responded “Yes ma’am.” Commissioner Lucas continued “What exactly did we budget? Did we budget for one year or three years?” Mr. Howard responded “During the budget process you budgeted \$5,500 a year for three years.” Commissioner Lucas asked “And we never used the service before?” Mr. Howard responded “No ma’am. I think what that means is the agreement itself was updated, they updated their service agreement on that date.” Commissioner Lucas asked “Can you give us an example of what types of grants we would try to secure with this?” Mr. Howard responded “This is basically a database. It would go through anytime grants are advertised nationwide for any governmental agency, federal government, and state government. We could go in and enter our certain criteria and it would be pulled out for us. Anyone can go in there from our local government and enter what they are looking for and it will search for grants with that certain criteria.” Commissioner Lucas continued “So did we budget the \$16,500?” Mr. Howard responded “No ma’am we budgeted \$5,500 for this year and then we will do the same next year.” Commissioner Lucas asked “So we did not put the full amount in

this year's budget?" Mr. Howard responded "No ma'am." Commissioner Lucas asked "So if we agree to this we have to agree to pay \$5,500 for three years?" Mr. Howard responded "Yes ma'am." Commissioner Lucas continued "And you have to do it before September 28th?" Mr. Howard responded "We don't have to." Commissioner Lucas asked "Where in the budget would we find this? Non-departmental?" Mr. Howard responded "I can get that for you."

Commissioner Carter moved to approve the eCIVIS agreement. The motion died due to a lack of a second.

APPROVAL OF BAKER ROOFING CONTRACT

Mr. Howard stated "You approved the bid 2 meetings ago and awarded the Guilford Mills roof contract to Baker Roofing and this is their contract."

Mr. Ferrell stated "Brian has not had a chance to review this contract in detail. There are technical items that are involved in this contract. With a public contract you have to have a dispute process in the contract. This will not affect the price of the contract or the scope of the work. If the Board is comfortable you can approve the contract subject to county attorney approval."

Commissioner Lucas asked "In reading the contract, the Standing Water Disclaimer, is that roof totally flat? We have no slope on it what so ever?" Mr. Howard responded "It is." Commissioner Lucas continued "Did we investigate the possibility of putting a slope on the roof?" Mr. Howard responded "No ma'am that would be more of a cost for that." Commissioner Lucas asked "We did not do that with the Health Department?" Mr. Howard responded "No ma'am."

Chairman Hall asked "Is there any action to be taken on Item 12."

Commissioner Lucas asked "Did the Board make a decision to move forward on this?" Chairman Hall responded "I think we did but we have to approve the contract. What counsel has suggested is to give our general counsel the opportunity to review the contract and put those things in there that are required by North Carolina law." Mr. Ferrell stated "All I was saying was to give him the authority to a put in the language that needs to be put in there as far as technical items and then once they come to an agreement it can be signed."

Commissioner Carter moved, seconded by Commissioner Jefferies to approve the Baker Roofing contract contingent upon general counsel reviewing the contract and adding in the language to make the contract compliant with North Carolina general law. The motion carried unanimously.

ADOPT RESOLUTION FOR EMS LP 15 LEASE TO PURCHASE AGREEMENT

Mr. Howard stated "You approve this at a prior meeting. The finance company wanted this in resolution form so we are bringing that back before you to adopt a resolution for that lease to purchase." Mr. Ferrell added "And once the resolution is adopted by this Board general counsel has to write an opinion letter to the finance company."

Chairman Hall asked “We have approved this, the finance company would like a resolution as opposed to a motion?” Mr. Howard responded “Correct.”

Commissioner Satterfield moved, seconded by Commissioner Williamson to approve the Resolution for the finance company.

Commissioner Lucas asked “Chairman Hall I have a concern about the terminology. It says ‘for the financing of emergency medical equipment’ can it not be more specific to what is being funded?” Mr. Howard responded “This is the resolution that the finance company sent us to use.” Commissioner Lucas continued “If we have to pass this resolution I think we need to be specific as to what is being financed.” Mr. Howard responded “We can do that.” Commissioner Lucas asked “And it was specifically for?” Mr. Howard responded “The EMS LP 15 monitors.” Commissioner continued “I would like for it to read specific about what was financed.” Mr. Ferrell responded “That is not a problem.” Chairman Hall stated “We will get that added in there.”

Upon a vote of the motion, the motion carried unanimously.

COUNTY MANAGER’S REPORT

Mr. Howard stated “Have one thing. I talked with Hobbs and Upchurch. We had a meeting last week and he gave me two resumes for you to review. I have included these two resumes in the envelopes I just handed out. I also included a report that I received within the last 2 weeks from the Department of Commerce. This is for your review. This does not need to be discussed tonight.”

Commissioner Lucas asked “Is the letter concerning the investigation?” Mr. Howard responded “It is the decision from the investigation.”

Commissioner Carter asked “I know we have a meeting coming up with Brennan but I would like to ask the county manager where we stand on the impact fees?” Mr. Howard responded “We probably will need to address that in the same meeting with the lift station and grinder.”

ANNOUNCEMENTS AND UPCOMING EVENTS

- A. County Employee Picnic at Farmer Lake – September 18, 2012 at 5:30 p.m.
- B. Caswell County Hoedown – September 22, 2012
- C. Dates in October for meeting with Town of Yanceyville & Town of Milton

Mr. Howard stated “I have a few changes on the announcements. Item A. The County Employee Picnic has been changed to Tuesday, September 25th. They are calling for thunderstorms tomorrow night. They have asked that the commissioners still cook for the picnic. On Item C. This Board agreed to meet on October 30th at 6:00 p.m. with the Town of Yanceyville and the

Town of Milton. An email has been sent to both of those boards. When we received confirmation back we will let you know.”

Commissioner Lucas asked “How are we coming on the list of the county vehicles by departments as it pertains to the Vehicle Use Policy?” Mr. Howard responded “I will have that for you at the meeting on the Vehicle Use Policy.” Commissioner Lucas continued “I have had several people ask me about a new Ford pickup truck at the Sheriff’s Department, do you know anything about that?” Mr. Howard responded “The Board approved that.” Commissioner Lucas asked “We approved that purchase?” Mr. Howard responded “It was actually purchased out of the drug fund.”

Commissioner Carter stated “I noticed last week that they planted flowers on the square here. I would like to recognize the Horticulture Group for the extensive work on the square and in the two concrete areas where they planted flowers. I was a little concerned tonight I was going to park in the last parking spot at the front of the courthouse but I noticed there was water standing there. Does the state have any plans to put in a drain so it will correct that?” Mr. Howard responded “There is a drain on the back side of that but it is high now once they pave it will drain the water.” Chairman Hall stated “It does seem to be too high.” Mr. Howard responded “They will be coming back within in the next 30 days to correct that.” Commissioner Carter stated “It is also my understanding that the stop signs will be placed permanently as well.” Chairman Hall responded “Eventually most of those signs are going to go away at least that is what they told us at the meeting.”

Chairman Hall stated “I have one item and I am going to ask our clerk to put this on for the next meeting. We are all probably aware the Town’s system attacked so I think it is time to take a look at cyber security for our system. The National Association, NACo, has declared October as Cyber Security month. We really do need to take a look at it. At the next meeting I will be asking for a volunteer to chair an ad hoc committee with staff to review our security, a kind of tentative review to see if we need to move forward with a consultant or something. We need to protect our computer hardware and software.” Mr. Howard responded “It was not the Town’s system they attacked. It was the Town’s server.” Chairman Hall stated “That is my point, we need to know or we need to take a look at our system to see if we think we are vulnerable or if we need to have someone else to take a look at it to see if we think we are vulnerable but we need to know.”

Mr. Ferrell stated “Mr. Chairman I would like to thank you for allowing me to sit in the meeting tonight.” Chairman Hall responded “Thank you for being here.”

Chairman Hall stated “We need to put this on the agenda because I do think we need to have an ad hoc committee that would include the IT person and maybe some other staff, the County Manager and a county commissioner to chair this committee. I want to really take a hard look at where we are in terms of cyber security.”

Commissioner Lucas asked “What is the status of this courtroom?” Mr. Howard responded “I am waiting to receive the contract back from Progressive. Once I receive that I will forward it to our attorney for his review.”

Chairman Hall stated "One final thing, I noticed there has been a sign on the elevator for at least 3 or 4 weeks." Mr. Howard responded "They came and removed the boards. They have replaced some of them and some were back ordered. Once those come in they will come to repair it." Chairman Hall asked "You did not tell me what was wrong. I understand the elevator is broke but is someone going to fix it." Mr. Howard responded "Lightning hit it about a month ago. The elevator is an older model so they are having a hard time finding the right parts." Chairman Hall continued "Keep in mind for the handicapped that is the only access we have up here and we really need to push folks when we have critical things like that out of order. Just telling us that it is backorder does not really help our situation." Mr. Howard responded "They are supposed to come this week to fix the elevator."

Commissioner Lucas asked "Is this an insurance claim?" Mr. Howard responded "We are trying."

Commissioner Carter stated "Mr. Chairman I know you mentioned the Town's website. During that time I notice that Caswell County was on Channel 2 news regarding the terrorist thing that happened over there in Prospect Hill. Channel 2 News had both of these things on about Caswell County." Commissioner Satterfield asked "Are you talking about the ones down next to Blanch?" Commissioner Carter responded "They said Prospect Hill." Chairman Hall stated "The guy that they caught last year they were just tired or convicted." Commissioner Satterfield stated "I thought those were the guys who were caught near Ivy Bluff Prison, so it was a different bunch?" Chairman Hall said yes.

The Clerk to the Board read a thank you card from Commissioner Jefferies and his family for the flowers that were sent to his sister, Joyce Wilson's funeral.

Mr. Howard stated "The Thomas Day House was on NC Now. They have this listed on their website as well." Chairman Hall responded "I saw it. It was about 7 or 8 minutes of good press on that."

ADJOURNMENT

At 7:55 p.m. Commissioner Travis moved, seconded by Commissioner Williamson to adjourn. The motion carried unanimously.

Paula P. Seamster
Clerk to the Board

Nathaniel Hall
Chairman
